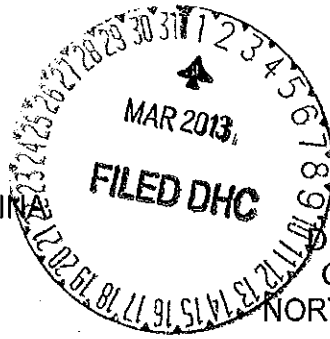


STATE OF NORTH CAROLINA  
WAKE COUNTY



BEFORE THE  
DISCIPLINARY HEARING  
COMMISSION OF THE  
NORTH CAROLINA STATE BAR  
13 DHC 4

THE NORTH CAROLINA STATE BAR,

Plaintiff,

vs.

WILLIAM TRIPPE McKENY, Attorney

Defendant.

**ANSWER**

Defendant answering the complaint of the plaintiff alleges and says:

**FIRST DEFENSE**  
**AFFIRMATIVE DEFENSE**

Defendant admits that he did not properly comply with Rules of Professional Conduct concerning his handling and record keeping relating to safe keeping of property pursuant to the provisions of the Rules of Professional Conduct, Rule 1.15 (1)-(3). Defendant further admits that he failed to properly supervise his employees in the proper handling and record keeping of entrusted funds. Defendant further submits that his failure to properly handle and account for entrusted funds was the result of personal and emotional and/or physical and mental impairment. Defendant, however, denies that he intentionally violated said Rule of Professional Conduct or that there was a violation of Rule 8.4(b) or (c) as alleged in plaintiff's Complaint.

**SECOND DEFENSE**  
**ANSWER**

Defendant, answering like numbered paragraphs of plaintiff's Complaint alleges and says:

1. The allegations contained in paragraph 1 of plaintiff's Complaint are admitted.
2. The allegations contained in paragraph 2 of plaintiff's Complaint are admitted.
3. The allegations contained in paragraph 3 of plaintiff's Complaint are

admitted.

#### **FIRST CLAIM FOR RELIEF**

4. The defendant hereby adopts, repeats, and realleges herein by reference each and all of her answers contained in Paragraphs 1 through 3 of Plaintiff's Complaint and hereby incorporates said answers herein by reference as if herein fully set forth.
5. The allegations contained in paragraph 5 of plaintiff's Complaint are admitted.
6. The allegations contained in paragraph 6 and subparagraphs (a) through (e) of plaintiff's Complaint are admitted.
7. The allegations contained in paragraph 7 of plaintiff's Complaint are admitted.
8. The allegations contained in paragraph 8 of plaintiff's Complaint are admitted.
9. The allegations contained in paragraph 9 of plaintiff's Complaint are admitted.
10. Defendant admits that he did not properly handle his trust account pursuant to the requirements of the Rules of Professional Conduct, Rule 1.15 (1)-(3) from 2009 to 2011 and he admits that check #1230 was written to cash from his trust account, but he is unaware of other checks written to cash during that period of time.
11. The allegations contained in paragraph 11 of plaintiff's Complaint are admitted.

The remaining allegations contained in plaintiff's First Claim for Relief call for a legal conclusion and as such, no responsive pleading is required. However, defendant admits that he did not properly handle matters related to entrusted funds and his record keeping requirements in accordance with Rules of Professional Conduct, Rule 1.5 (1) - (3). Any remaining allegations in the THEREFORE clause of plaintiff's First Claim for Relief which would require a responsive pleading are denied.

#### **SECOND CLAIM FOR RELIEF**

12. The defendant hereby adopts, repeats, and realleges herein by reference each and all of her answers contained in Paragraphs 1 through 11 of Plaintiff's Complaint and hereby incorporates said answers herein by

reference as if herein fully set forth.

13. The allegations contained in paragraph 13 of plaintiff's Complaint are admitted.
14. The allegations contained in paragraph 14 of plaintiff's Complaint are admitted.
15. The allegations contained in paragraph 15 of plaintiff's Complaint are admitted.
16. It is admitted that the defendant did not properly track the fees debited from his account from Sterling from 2009 to 2011 and that the amount of his personal funds deposited were less than the amounts debited by Sterling. However, defendant believes the amount of short fall was less than \$5,000.00. The defendant admits that the beneficial owner did not authorize their funds to be used for the Sterling fees.
17. It is admitted that the defendant did not properly track the fees debited from his account from Sterling from 2009 to 2011 and that the amount of his personal funds deposited were less than the amounts debited by Sterling. However, defendant believes the amount of short fall was less than \$5,000.00.
18. The allegations contained in paragraph 18 and subparagraphs (a) through (e) of plaintiff's Complaint are admitted.
19. The allegations contained in paragraph 19 of plaintiff's Complaint are admitted.
20. The allegations contained in paragraph 20 of plaintiff's Complaint are admitted.
21. The allegations contained in paragraph 21 of plaintiff's Complaint are admitted.
22. The allegations contained in paragraph 22 and subparagraphs (a) through (c) of plaintiff's Complaint are admitted. However, defendant believed that all funds had properly been disbursed on behalf of Monnell based upon attached Exhibit "A" when he transferred the \$1,836.48 from said account on January 22, 2010 as alleged in paragraph 22(c).
23. The allegations contained in paragraph 23 of plaintiff's Complaint are admitted.

24. The allegations contained in paragraph 24 of plaintiff's complaint are admitted. However based upon attached Exhibit "A" defendant had understood that all funds for client Monnell had been properly disbursed prior to January 22, 2010.
25. The allegations contained in paragraph 25 of plaintiff's Complaint are admitted.
26. The allegations contained in paragraph 26 of plaintiff's Complaint are admitted. However based upon attached Exhibit "A" defendant had understood that all funds for client Monnell had been properly disbursed prior to January 22, 2010.
27. The allegations contained in paragraph 27 of plaintiff's Complaint are admitted.
28. The allegations contained in paragraph 28 of plaintiff's Complaint are admitted.


The remaining allegations contained in plaintiff's Second Claim for Relief call for a legal conclusion and as such, no responsive pleading is required. However, defendant admits that he did not properly handle matters related to entrusted funds and his record keeping requirements in accordance with Rules of Professional Conduct, Rule 1.5 (1) -(3). Defendant specifically denies that he violated the provisions of Rule 8.4(b) or 8.4© of the Rules of Professional Conduct. Any remaining allegations in the THEREFORE clause of plaintiff's Second Claim for Relief which would require a responsive pleading are denied.

WHEREFORE, the Defendant respectfully prays that after a full hearing in this matter in reviewing the factors outlined in .0114(w), that the Disciplinary hearing Commission enter an appropriate Order of Discipline taking into consideration among other things the personal and emotional and conduct in question and the effect of any physical or mental impairment on the conduct in question.

This the 1<sup>st</sup> day of March, 2013.

**CRUMPLER FREEDMAN PARKER & WITT**

Attorneys for the Defendant

  
\_\_\_\_\_  
Dudley A. Witt  
301 North Main Street, Suite 700  
Winston-Salem, NC 27101  
(336) 725-1304

STATE OF NORTH CAROLINA  
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BEFORE THE  
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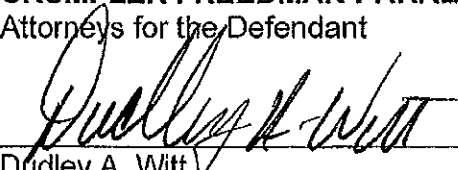
**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he is an attorney at law licensed to practice in the State of North Carolina, is attorney for the defendant and is a person of such age and discretion as to be competent to serve process.

That on the 1<sup>st</sup> day of March, 2013, he served a copy of the attached **ANSWER** by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and its contents in the United States Mail at Winston-Salem, North Carolina.

ADDRESSEE: Mrs. Carmen Hoyme Bannon  
The North Carolina State Bar  
PO Box 25908  
Raleigh, NC 27611-5908

**CRUMPLER FREEDMAN PARKER & WITT**  
Attorneys for the Defendant

  
\_\_\_\_\_  
Dudley A. Witt  
301 North Main Street, Suite 700  
Winston-Salem, NC 27101  
(336) 725-1304

\$7000.00  
 - 2310.00 to Jupp  
 4690.00  
 - 241.00 Forsyth Emergency Ser.  
 4449.00  
 - 1595.48 Forsyth Mem. Hosp.  
 2853.52 to Sheri

- Letter on my pc -  
 Copy the checks.

Ths!

  
 L.

